

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THRIVEST SPECIALTY FUNDING, LLC

v.

Civil Action No. 2:18-CV-1877

WILLIAM E. WHITE

**THRIVEST'S RESPONSE TO WHITE'S SUBMISSION IN
RESPONSE TO THIS COURT'S ORDER OF OCTOBER 10, 2019**

Mr. White has not sustained his burden of demonstrating that he is unable to comply with the Court's July 1, 2019 Order directing him to escrow \$1.25 million pending resolution of the arbitration on the merits. Indeed, although his recent filing appears to contain checking account statements,¹ there is no sworn statement or other evidence to even suggest that those accounts contain all of Mr. White assets, nor could there be considering that Mr. White received a \$3.5 million award from the Claims Administrator in 2018 after receiving Thrivest's \$500,000 advance in December 2016. Even after reduction for common benefit fees and other holdbacks, Mr. White's award was substantial—in the millions. His recent filing says nothing about what he did with those funds. Indeed, although not admissible to show liability, Mr. White's previous settlement offers far exceed the funds shown on Exhibit A and thus further undermine his claimed inability to pay. As recently as the hearing on Thrivest's pending motion for contempt, Attorney Wood expressed Mr. White's willingness to return nearly all of Thrivest's principal and committed to mediation in good faith—suggesting that Mr. White has less than \$500 to his name is clearly inconsistent with those representations and commitments. Just as Mr. White has ignored the

¹ Mr. White did not produce a current statement and the paucity of entries suggests that the account shared with the Court is not even his primary checking account.

Court's July 1, 2019 Order directing the escrow of disputed funds, Mr. White is now flaunting the Court's October 10, 2019 Order directing him to prove his claimed inability to comply with the injunction. The Court should reject Mr. White's bald appeal to the Court's sympathies—especially when he has not repaid even one penny of Thrivest's \$500,000 advance paid to him nearly three years ago after he asked for Thrivest's help with mounting debt.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: October 16, 2019

By: /s/ Peter C. Buckley
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2019, I caused Thrivest's Response to White's Submission in Response to This Court's Order of October 10, 2019 to be filed via the Court's electronic filing system which provides notice to all counsel of record, including:

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